

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VALLETTA

UNCLAS STATE 150155

FOLLOWING SENT ACTION SECSTATE INFO USUN, DAR ES SLAAM, OTTAWA,
PARIS AND SANTIAGO FROM GENEVA JUL 23 REPEATED YOU:

QUOTE

UNCLAS GENEVA 3833

E.O. 11652 N/A

TAGS: PBOR, UN

SUBJ: LOS: SEABED COMMITTEE-SUBCOMMITTEE III,
20 JULY MEETING

SUMMARY. CANADA INTRODUCED AMENDMENTS TO IMCO ARTICLES 4, 5,
6, AND 8; US INTRODUCED DRAFT SCIENTIFIC RESEARCH
ARTICLES AND MADE SPEECH ON TRANSFER OF SCIENTIFIC RESEARCH
TECHNOLOGY; FRANCE, MALTA AND CHILE SPOKE ON TRANSFER OF
TECHNOLOGY TANZANIA COMMENTED ON US POLLUTION ARTICLES AND ON
MEPC PROPOSAL.

1. CHAIRMAN OF WG2 REPORTED ON PROGRESS OF WORK.

2. CANADA INTRODUCED A/AC.138/L.37/SCIII ADD 1, WHICH CONTAINED
AMENDMENTS TO ARTICLES 4, 5, 6, AND 8 OF THE FIFTH IMCO DRAFT
CONVENTION AND WHICH HAD BEEN SUBMITTED TO IMCO. PURPOSE OF
PAPER IN SBC WAS TO DRAW ATTENTION TO 1973 IMCO CONFERENCE. THE
THRUST OF THE PAPER IS TO EMPHASIZE THAT FLAG STATE ENFORCEMENT
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IS "NOT" SUFFICIENT AND THAT THERE IS NEED FOR COASTAL STATE
ENDORCEMENT. CANADIAN ARTICLE 4 PROVIDES COASTAL STATE ENFORCE-
MENT IN WATERS UNDER ITS JURISDICTION AS WELL AS PORT STATE
ENFORCEMENT. STRESSED IMCO CONFERENCE SHOULD NOT PREJUDICE

LOS, I.E., LOS SHOULD DETERMINE THE LIMITS OF NATIONAL JURISDICTION AND THE SUBSTANTIVE NATURE OF THE COASTAL STATE RIGHT. ARTICLE 5 PROVIDES FOR INSPECTIONS WITHIN PORTS AND WATERS WITHIN NATIONAL JURISDICTION. ARTICLE 6 PROVIDES THAT FIVE YEARS AFTER CONVENTION ENTERS INTO FORCE, CONTRACTING STATES MAY ENFORCE STANDARDS AGAINST VESSELS OF "ALL" STATES. ARTICLE 8 PROVIDES THAT MEASURES TAKEN MUST BE WITHIN LIMITS OF CONVENTION AND BE NON-DISCRIMINATORY.

3. CANADIAN REP EXPLAINED FLAG AND PORT STATES MEASURES ARE UNILATERAL AND IN THAT RESPECT ARE SIMILAR TO RESIDUAL RIGHT IN COASTAL STATES AS PER CANADIAN PROPOSAL. REP ASKED WHETHER THERE WAS TO BE UNILATERALISM TO PROTECT SOME INTERESTS AND NOT OTHERS. THEY FOUND IT WOULD BE DIFFICULT TO ACCEPT US MEPC PROPOSAL IF IT WAS COROLLARY TO EXCLUSIVELY INTERNATIONAL STANDARDS. IF GRAFT MEPC ONTO IMCO, NAVIGATIONAL INTERESTS MIGHT STILL PREDOMINATE. SUCH PROPOSAL WAS BOTH CONSTITUTIONAL AND STRUCTURAL ISSUE. IMCO SHOULD NOT MAKE FINAL DECISION ON MEPC AND SHOULD BE CONSIDERED AS WELL BY ECOSOC, UNEP, AND SEC. AGREED WITH CERTAIN PROVISIONS OF US DRAFT ARTICLES ON MARINE POLLUTION AND MENTIONED NEW INTERVENTION PROVISION. HOWEVER, US ARTICLES DO NOT REFLECT PROPER BALANCE ENVIRONMENTAL AND NAVIGATIONAL INTERESTS.

4. CHAIRMAN SAID ESTABLISHED PROCEDURES PRECLUDED DISCUSSION OF OTHER INTERNATIONAL ORGANS IN SUBCMTE.

5. US INTRODUCED DRAFT ARTICLES ON SCIENTIFIC RESEARCH (POUCHED SEPARATELY). REP STRESSED (A) DESIRABILITY OF FACILITATING RESEARCH IN ALL SEAS; (B) NEED FOR RESEARCH TO BE CONDUCTED WITH STRICT AND ADEQUATE SAFEGUARD FOR PROTECTION OF MARINE ENVIRONMENT; (C) INTERNATIONAL COOPERATION; (D) FACILITATING RESEARCH IN TERRITORIAL SEA AND ACCESS TO PORTS; (E) OBLIGATIONS OF STATE OF RESEARCHER CONDUCTING RESEARCH IN AREAS BEYOND TERRITORIAL SEA IN AREAS IN WHICH COASTAL STATE EXERCISES JURISDICTION OVER SEABEDS AND COASTAL FISHERIES, I.E. NOTIFICATION, COASTAL STATE PARTICIPATION, DATA AND SAMPLE UNCLASSIFIED

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SHARING, FLAG STATE ASSISTANCE TO COASTAL STATE IN ASSESSING THE IMPLICATIONS OF DATA AND RESULTS FOR ITS INTERESTS, FLAG STATE CERTIFICATION OF BONA FIDES OF RESEARCHER, OPEN PUBLICATION OF RESULTS AND COMPLIANCE WITH ENVIRONMENTAL STANDARDS; AND (F) COMPLUSORY SETTLEMENT OF DISPUTES.

6. FRANCE ADDRESSED TRANSFER OF TECHNOLOGY AND STRESSED TRAINING PROGRAMS. THERE IS NEED TO IDENTIFY NEEDS OF LDC. MENTIONED SHIPBOARD TRAINING, TRANSFERRING EQUIPMENT, ESTABLISHMENT OF TRAINING CENTERS AND UNDP FUNDS FOR TRAINING. TERMS OF REFERENCE OF WORKING GROUP MAKE IT REASONABLE TO DEAL WITH TECHNOLOGY RELATED TO RESEARCH AND NOT REPEAT NOT COMMERCIAL TECHNOLOGY, WHICH RAISES QUESTIONS OF PATENTS.

PATENTS ARE "NOT" HELD BY STATES AND ARE BEYOND COMPETENCE OF SBC. ARTICLE SHOULD BE GENERAL IN NATURE AND DIRECTED TO FACILITATE AND ENCOURAGE THE TRANSFER OF TECHNOLOGY AND IN SCIENTIFIC RESEARCH. SBC TASK ENDS THERE. SPECIALIZED BODIES SHOULD DO FURTHER DETAILED WORK.

7. MALTA MADE GENERAL STATEMENT ON TRANSFER OF TECHNOLOGY. THEY VIEWED TECHNOLOGY AS THE PRACTICAL APPLICATION OF SCIENTIFIC INFORMATION TO SOCIETAL GOALS. THEIR CONCEPT OF TRANSFER OF TECHNOLOGY IS BROADER THAN THAT OF OTHER DELS. REP FORESEES INDUSTRIALIZATION OF OCEAN SPACE WHICH WILL PUT THOSE WITHOUT TECHNOLOGY AT A GREAT DISADVANTAGE. TRANSFER OF TECHNOLOGY SHOULD BE VIEWED AS WHOLE, NOT CONFINED TO RESEARCH. PREFERS SEPARATE WORKING GROUP OF DISCUSSION IN SUBCMTE. FAVORS TYING TECHNOLOGY TRANSFER TO COMPREHENSIVE OCEANS INSTITUTIONS.

8. CHILE REP STATED UNCTAD IS MAIN FORUM FOR DISCUSSING TECHNOLOGY TRANSFER BUT DISCUSSION IS "NOT" INAPPROPRIATE IN SBC. SCIENTIFIC KNOWLEDGE AND TECHNOLOGY CONSTITUTE DEVELOPMENT FOR MANY COUNTRIES. THIS IS APPLICABLE IN SBC TO SEABEDS AND FISHERIES. TECHNOLOGY TRANSFER SHOULD BE DIFFERENT IN FUTURE, BE EQUITABLE, INCLUDE PATENTED TECHNOLOGY AND NOT PUT LDCS IN POSITION OF DEPENDENCY (CHILEAN EXPERIENCE HAS "NOT" BEEN SATISFACTORY IN PAST, I.E. DISCRIMINATION, RESTRICTION IN SUPPLIES, EXCESSIVELY LONG CONTRACTS). TRAINING IS OFTEN NOT RPT NOT IN STEP WITH LDCS NEEDS. SUPPORT SUGGESTION THAT ECOSOC SET UP AN OFFICE ON UNCLASSIFIED

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TRANSFER OF TECHNOLOGY AND DATA SHARING. ALSO LOOK TO AGENCY IN THE AUTHORITY WHICH COULD CHANNEL TECHNOLOGY RELATING TO OCEAN SPACE AND WHICH WOULD BE CONSISTENT WITH COMMON HERITAGE. CENTERS SHOULD ALSO BE ESTABLISHED IN LDC. KNOWLEDGE AND TECHNOLOGY SHOULD BE COMMON HERITAGE.

9. US MADE SPEECH (POUCHED SEPARATELY) ON TECHNOLOGY TRANSFER RELATING TO MARINE SCIENTIFIC RESEARCH. TRANSFER CAN BE ACCOMPLISHED THROUGH A TWO-STAGE PROCESS (1) DEVELOPING COUNTRIES SHOULD RECEIVE ASSISTANCE IN INTERPRETING DATA ABOUT MARINE AREAS OF CONCERN TO THEM IN A MANNER THAT IS RELEVANT TO THEIR INTERESTS AND (2) MEANS MUST BE DEvised TO ALLOW LDCS ENGAGE IN SCIENTIFIC RESEARCH IN MARINE ENVIRONMENT. REP REITERATED WILLINGNESS IN PRINCIPLE COMMIT FUNDS TO SUPPORT MULTILATERAL EFFORTS IN THIS REGARD.

10. TANZANIA COMMENTED ON US DRAFT ARTICLES ON MARINE POLLUTION. ARTICLES LEFT LITTLE AUTHORITY FOR COASTAL STATE PROTECT ITSELF AND THAT UNACCEPTABLE. RECORD OF INTERNATIONAL ORGANS IN MAKING STANDARDS HAS "NOT" BEEN GOOD AND CANNOT EXPECT SITUATION TO CHANGE. NO COASTAL STATE WOULD SET STANDARDS LOWER THAN THOSE SET BY INTERNATIONAL INSTITUTIONS.

COASTAL STATE MUST HAVE RESIDUAL RIGHT TO SET STANDARDS. CITED
KENYAN ARTICLES AND OAU DECLARATION. HAD PROBLEMS WITH MEPC
PROPOSAL FROM A CONSTITUTIONAL AND SUBSTANTIVE VIEWPOINT.
COMPULSORY SETTLEMENT OF DISPUTES IS INEFFECTIVE, E.G.
MISERABLE RECORD OF ICJ--AFRICANS SETTLE DISPUTES
THROUGH ARBITRATION.

BASSIN

UNQUOTE ROGERS

UNCLASSIFIED

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